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**From:** Young, David (DPH)  
**Sent:** Tuesday, November 01, 2011 10:00 PM  
**To:** Stiles, Tracy (DPH)  
**Cc:** Han, Linda (DPH)  
**Subject:** RE: New Time Proposed: Updated: Follow up on travel week

Tracy and Linda, a draft response to Mike Lawler. It is very rough as I am at home and do not have my file with me. Names are of course mis-spelled. Just want you to give this a look over and I hope to send tomorrow.

Mike, with all due respect, let me respond with the following points. When we met with you and Mr. Davenport on Wednesday, October 26, 2011 we shared with you the following information:

1. Richard Atebelli informed Laboratory management that Mr. Davenport's portion of the conference concluded on Wednesday and that is why he checked out on Wednesday. The Thursday portion of the conference did not apply to Mr. Davenport and he was not to attend it.
2. Richard Atebelli informed Laboratory management that the FDA did not run out of money and did not pay for Mr. Davenport's room Wednesday night as he was not required to attend on Thursday. His portion of the conference ended on Wednesday. If he had been required to attend on Thursday, the FDA would have paid for his room on Wednesday night.
3. The other State Lab "LEO" did not attend the conference on Thursday and returned to work on Friday. This corroborates Mr. Atebelli's information to Laboratory management.
4. Mr. Kennedy Skip Wilson informed Laboratory management that he last saw Mr. Davenport when he checked out on Wednesday. He further informed Laboratory management that Mr. Davenport did not stay with him Wednesday night and he did not see him on Thursday.
5. In response to Mr. Davenport's emails to Mr. Atebelli saying he stayed with Skip on Wednesday night and asking if anyone saw him on Thursday, Mr. Atebelli responded that perhaps Ellen saw him on Thursday.
6. Ellen informed Laboratory management that she and none of her staff saw Mr. Davenport on Thursday.

Despite providing Mr. Davenport with all this information, Mr. Davenport persisted in his story that he checked out on Wednesday because the FDA ran out of money, stayed with Skip on Wednesday night who probably did not notice or remember because they had a few beers, and attended the conference on Thursday even though his training ended on Wednesday, Mr. Atebelli said he portion of the conference ended on Wednesday, the other Laboratory "LEO" did not attend on Thursday and returned to work on Friday, and no one referenced saw him on Thursday. Mr. Davenport was given time to meet with you after this exchange and he continued to persist in his story. He did not change his story, did not reconcile his story with the information coming to Laboratory management's attention, and did not provide any evidence that this information was untrue or mistaken. He did say he had an e-mail from the FDA saying they were out of money for the Wednesday night stay. The October 26, 2011 meeting was concluded with notice to Mr. Davenport that he had until close of business November 1st to produce any evidence that the information reconciling his story with the information provided to Laboratory management or contradicting that information as untrue or mistaken, such as his alleged e-mail that the FDA had run out of money and Skip had a few beers and did not notice him. He was emphatic that had he known of the topic of the meeting he would have had this evidence. Laboratory management notes just as

emphatically in this regard that Mr. Davenport and you were invited to this meeting which was captioned in the subject line as a follow up to his travel week. There should have been no ambiguity as to the subject of the meeting.

In the absence of any evidence corroborating Mr. Davenport's story or Mr. Davenport changing his story there appears to be no need for a further meeting and Laboratory management will take action based on the information it has at this time. Unless Mr. Davenport has evidence that the information coming to the attention of Laboratory management is untrue or mistaken, now wants to change his story, or can reconcile his story with the testimony of others, there is no need for a further meeting.

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From: Lawler, Michael (DPH)  
Sent: Tuesday, November 01, 2011 3:54 PM  
To: Stiles, Tracy (DPH); Davenport, Russell (DPH)  
Cc: Han, Linda (DPH); Young, David (DPH)  
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Tracey,

When we sat down last week, Russ and I had anticipated a discussion of issues other than the dairy inspector meeting. When you and Mr. Young made the focus of the meeting Russ' attendance at the inspector workshop, I was unprepared to discuss the point.

We agreed that Russ would put together documentation for your consideration, such as the FDA being short of funds. If I recall correctly, this was a source of contention while Russ was on the road to the conference. When pressed for his status for the State Lab time sheets, Russ suggested he be put on "vacation" pending a resolution later. Indeed, his pay stub reflects this.

This is part of the material Russ had collated for our anticipated meeting today. To further complicate this situation, Russ had to conduct an inspection today.

In anticipation of another clarifying meeting, Russ had offered up a Wednesday moment, which would not interfere with his inspections. Mr. Young pressed back to Tuesday. The closing dialog of this meeting was of setting a meeting date, not setting a deadline for these materials, which we must discuss, to consider the most expeditious resolution. And here we are Tuesday. Russ is back from the inspection and I deferred my patterns of lab work to accommodate a Tuesday meeting, which I learn this afternoon is not going to happen.

I was looking forward to this meeting as an opportunity to resolve this issue to everyone's satisfaction. In particular, I was looking forward to Mr. Young's presence, for I intuit his experience would be invaluable in arriving at a solution in the most expeditious manner. I look forward to the opportunity of resolving this matter and anticipate, with Mr. Young's presence, we can do so.

Sincerely,  
Mike Lawler

-----Original Message-----

From: Stiles, Tracy (DPH)  
Sent: Tuesday, November 01, 2011 12:36 PM  
To: Davenport, Russell (DPH)  
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)  
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Hi Russ--there is no follow up meeting planned. If you recall at our meeting last week you were given until close of business today to produce any documentation you have to support your version of the events, such as emails stating the FDA was out of money. Those can be given to me directly or left in my mailbox before you leave today.

Thanks,  
Tracy

Tracy Stiles  
Director, Microbiology Divison  
617-983-6619  
tracy.stiles@state.ma.us

-----Original Message-----

From: Davenport, Russell (DPH)  
Sent: Tuesday, November 01, 2011 8:55 AM  
To: Stiles, Tracy (DPH)  
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)  
Subject: RE: New Time Proposed: Updated: Follow up on travel week

When is our next mtg time & date? Wed @ 10:00 works for me.

Mr. Russell T. Davenport  
Laboratory Evaluation Officer  
Dept of Public Health  
Center for Disease Control  
305 South Street  
Boston, MA. 02130

Tel: 617-983-6616  
Fax: 617-983-6618  
Russell.Davenport@state.ma.us

-----Original Message-----

From: Stiles, Tracy (DPH)  
Sent: Tuesday, October 25, 2011 11:50 AM  
To: Davenport, Russell (DPH)  
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)  
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Russ let me know what time tomorrow works for you?

Tracy Stiles  
Director, Microbiology Divison  
617-983-6619  
tracy.stiles@state.ma.us

-----Original Message-----

From: Davenport, Russell (DPH)  
Sent: Tuesday, October 25, 2011 9:12 AM  
To: Stiles, Tracy (DPH)  
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)  
Subject: RE: New Time Proposed: Updated: Follow up on travel week  
Importance: High

Who is David? Make it earlier in the day preferable today to get this over with, the stress you folks are causing me is having an impact on my work and health.

Thanks,  
Russ

Mr. Russell T. Davenport  
Laboratory Evaluation Officer  
Dept of Public Health  
Center for Disease Control  
305 South Street  
Boston, MA. 02130

Tel: 617-983-6616  
Fax: 617-983-6618  
Russell.Davenport@state.ma.us

-----Original Message-----

From: Stiles, Tracy (DPH)  
Sent: Tuesday, October 25, 2011 9:09 AM  
To: Davenport, Russell (DPH)  
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)  
Subject: Re: New Time Proposed: Updated: Follow up on travel week

It's not. David isn't available this morning and I won't be in until a little later.  
David and Linda are copied here. Why is 330 tomorrow bad?

Sent from my iPhone

On Oct 25, 2011, at 9:04 AM, "Davenport, Russell (DPH)" <Russell.Davenport@MassMail.State.MA.US> wrote:

> I understand so is 10:00 AM OK today?

>

> Mr. Russell T. Davenport

> Laboratory Evaluation Officer

> Dept of Public Health

> Center for Disease Control

> 305 South Street

> Boston, MA. 02130

>

> Tel: 617-983-6616

> Fax: 617-983-6618

> Russell.Davenport@state.ma.us

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> -----Original Message-----  
> From: Stiles, Tracy (DPH)  
> Sent: Tuesday, October 25, 2011 8:40 AM  
> To: Davenport, Russell (DPH)  
> Cc: Lawler, Michael (DPH); Young, David (DPH); Han, Linda (DPH)  
> Subject: Re: New Time Proposed: Updated: Follow up on travel week  
>  
> Russ I need you to make this meeting a priority.  
> Thanks,  
> Tracy  
>  
> Sent from my iPhone  
>  
> On Oct 25, 2011, at 8:34 AM, "Davenport, Russell (DPH)" <Russell.Davenport@MassMail.State.MA.US> wrote:  
>  
>> I thought it was today at 10:00. Wed at 3:30 is out. Thanks Russ  
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>> -----  
>> New Meeting Time Proposed:  
>> Tuesday, October 25, 2011 10:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).  
>>  
>> <Updated: Follow up on travel week>